

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NSI INTERNATIONAL, INC, : CV-12-5528
 : (AKT)
Plaintiff, :
 : United States Courthouse
-against- : Central Islip, New York
MONA MUSTAFA,
 : May 26, 2016
Defendant. : 1:30 p.m.
-----X

TRANSCRIPT OF ORDER TO SHOW CAUSE
BEFORE THE HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: JAMIE S. FELSEN, ESQ.
Milman Labuda Law Group
3000 Marcus Avenue
Lake Success, New York 11042

MONA MUSTAFA: Defendant, Pro Se

Official Court Reporter: Paul J. Lombardi, RMR, FCRR
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Proceedings recorded by mechanical stenography.
Transcript produced by CAT.

1 (this is Judge Tomlinson, and this is a civil something or
2 other with the plaintiff live and the defendant live via
3 videoconference)

4 THE CLERK: Calling civil case NSI International
5 Incorporated v Mustafa.

6 Please state your appearance for the record.

7 MR. FELSEN: Good morning, your Honor.

8 Jamie Felsen for the plaintiff NSI
9 International, Incorporated.

10 THE COURT: Good morning.

11 And on the videoconference.

12 MS. MUSTAFA: Your Honor, I'm Mona Mustafa
13 representing myself pro se, and I also have a witness
14 Fareed Mustafa to be present to observe the proceeding.

15 THE COURT: All right. This is a relative?

16 MS. MUSTAFA: He's my father, yes.

17 THE COURT: Very well, then.

18 Can you hear Mr. Felsen when he was speaking?

19 MS. MUSTAFA: Yes, I can.

20 THE COURT: Very well, then.

21 I'll note for the record we have our court
22 reporter, Mr. Lombardi, here taking down the proceedings
23 as well.

24 Now, I do want to put some context on the record
25 here so it's clear what we are doing here this morning and

1 let me begin with that.

2 First of all, I had previously issued a report
3 and recommendation in this case which Judge Bianco adopted
4 in its entirety on March 26th of 2014. On September 8th
5 of 2014, Judge Bianco denied defendant Mustafa's motion
6 for a new trial, denied the motion to proceed in forma
7 pauperis on appeal, denied the extension of the time to
8 file an appeal, and the defendant's motion for a more
9 definite statement and entered judgment here in favor of
10 the plaintiff in the amount of \$80,645.

11 On September 26th of 2014, Ms. Mustafa filed a
12 notice of appeal to the Second Circuit. On January 29th,
13 2015, the plaintiff filed a motion to compel responses to
14 its first post judgment requests for documents, and first
15 post judgment interrogatories. That motion was filed at
16 docket entry No. 80.

17 On January 30, 2015, Judge Bianco referred that
18 motion to me in an order found at docket entry 82. On
19 February 9th of 2015 I granted the motion in an order
20 found at docket entry 83 and I directed Ms. Mustafa to
21 produce her responses by March 2, 2015, and that if she
22 failed to comply, the court would require her to appear
23 for a hearing on why sanctions should not be imposed for
24 the failure to comply.

25 On March 2, 2015, there was a filing which is

1 found at DE 87 entitled Ms. Mustafa's, quote, response and
2 demand, close quote, a document consisting of 78 pages
3 which, first of all, demanded that certain documents be
4 scanned into ECF and be provided to the Second Circuit for
5 her appeal. She says these exhibits were filed in hard
6 copy on April 26, 2013, as docket entry 39.

7 Secondly, she stated that she declines to
8 provide answers to A, the restraining notice and, B,
9 plaintiff's first post judgment request for production of
10 documents, as well as the plaintiff's first post judgment
11 interrogatories based on certain arguments, first of all,
12 that this was a second attempt to collect her personal
13 information. She says she previously responded to an
14 information subpoena and restraining notice on November
15 20, 2014. That was attached as Exhibit 2 to her papers,
16 and she says that it was falsely represented that she was
17 located in the State of New York.

18 In response to that argument and its filing in
19 response, the plaintiff says this was a second attempt for
20 post judgment demands that were valid under Federal Rule
21 of Civil Procedure 69(a)(2), in light of the fact that
22 this action is pending here in New York.

23 The second argument raised by defendant Mustafa
24 is that the Labuda and Felsen attorneys were not admitted
25 to practice law in Illinois. According to Ms. Mustafa,

1 Mr. Felsen never responded, so the firm is holding itself
2 out as being licensed to practice in Illinois which she
3 says is not true. So she requested an investigation of
4 the Felsen firm by the Illinois registry and disciplinary,
5 to ALJ Gertrude McCarthy of the human rights commission
6 and notes that no investigation was ongoing at that time,
7 but case numbers were assigned.

8 According to Ms. Mustafa, Labuda and Felsen
9 filed all kinds of pleadings and motions and letters in
10 Illinois without being admitted and prior to filing
11 requests for pro hac vice admission from an administrative
12 law judge who Ms. Mustafa says previously had her license
13 suspended for 60 days for misconduct.

14 The plaintiff responded to that argument that
15 Labuda and Felsen were not required to be admitted in
16 Illinois in order for Ms. Mustafa to be required to
17 respond to demands served concerning a judgment entered by
18 the Honorable Joseph Bianco here in the Eastern District
19 of New York.

20 The third argument brought up by Ms. Mustafa is
21 that the initial dismissal of her retaliation charge is
22 questionable, and that the reinstated charge should never
23 have been dismissed.

24 The fourth argument demands a full record to the
25 Second Circuit.

1 Argument five she says procedures in the
2 Illinois Human Rights Commission is following is
3 questionable. They are not consistent with the Illinois
4 Human Rights Commission order and therefore the order is
5 void. She says there have been multiple attempts by the
6 Illinois Human Rights Commission to prevent her from
7 timely filing her pleadings and called the integrity of
8 the files maintained at this court and that the Illinois
9 Human Rights Commission may have been compromised, close
10 quote. She has filed she says tampering complaints with
11 the United States Postal Service.

12 The response from the plaintiffs also is that
13 judgment has not been stayed, notwithstanding the Second
14 Circuit appeal, and, therefore, Ms. Mustafa is required to
15 respond. She further argues that Donnie L. Gray, the
16 general counsel of the Illinois Human Rights Commission,
17 may have been blind carbon copying Joseph Labuda on
18 e-mails referencing Ms. Mustafa's first attempt to file a
19 petition or rehearing en banc before the Illinois Human
20 Rights Commission.

21 Her sixth argument is that the Fourth Amendment
22 of the United States Constitution permits her to refuse to
23 answer. She says she has a right to be individually
24 secured against any unreasonable search and seizure. She
25 believes that criminal activity may have occurred, and

1 therefore she refuses to answer until such time as the
2 Second Circuit renders a determination on her appeal under
3 docket 14-3706.

4 Plaintiff responds to that argument by stating
5 that this is a civil action and Ms. Mustafa does not
6 identify any criminal conduct and criminal activity does
7 not preclude her or give her the right not to answer these
8 demands.

9 On page eight of her submission I quote
10 Ms. Mustafa states that, to compel performance on a
11 potentially void order and judgment would be construed by
12 her as continuing harassment on a second retaliatory
13 lawsuit, close quote. She states further that she is not
14 refusing to respond, but she refuses to answer, and she
15 states as well that she has fully complied with my orders
16 in this regard.

17 On March 3rd, 2015, NSI filed a motion to compel
18 and for sanctions in particular, that's found at document
19 entry 85, responding to the submission of Ms. Mustafa.
20 Plaintiff's counsel states that Ms. Mustafa appears to be
21 refusing to comply with the restraining notice and NSI
22 seeks an order requiring her to appear in person for a
23 hearing or issue sanctions against her, first of all, for
24 her failure to comply with the court's February 9, 2016
25 order, second, her refusal to respond to NSI's first post

1 judgment request for documents and post judgment first
2 request for interrogatories based on frivolous grounds,
3 third, the possible failure to comply with a restraining
4 notice issued to her by NSI.

5 At DE 88, docket entry 88, Ms. Mustafa filed a
6 document quoted second attempt filed 3/9/15, which is a
7 document the same in all respects as what she filed in DE
8 87. It reiterates to Judge Bianco that she wants missing
9 prior exhibits posted to ECF.

10 On 3/19/15, the plaintiffs filed a motion to
11 Judge Bianco for an injunction against further litigation
12 by the defendant, that's at DE 89. On May 6th of 2015,
13 Judge Bianco denied the permanent injunction motion.
14 That's found at docket entry 92.

15 On August 17th of 2015, the plaintiff's second
16 motion for sanctions to preclude Ms. Mustafa from filing
17 frivolous lawsuits without the court's authority was filed
18 with Judge Bianco. That's found at docket entry 93.
19 According to plaintiff's counsel, Ms. Mustafa filed a new
20 charge in EEOC against NSI on and this is in Illinois on
21 March 9th of 2015.

22 On August 25th of 2015, Judge Bianco again
23 denied the motion for a litigation injunction, that's
24 found as docket entry 95, also stating that the new
25 lawsuit was pending in another jurisdiction.

1 On September 8th of 2015, NSI filed a second
2 motion for attorneys fees, which is found at docket entry
3 96. That was filed with Judge Bianco seeking attorneys
4 fees incurred which led to defendant Mustafa's appeal to
5 the Second Circuit and attempting to enforce the judgment,
6 they wanted the fees for that purpose as well.

7 On September 22, 2015, the Second Circuit issued
8 its mandate adopting and affirming the judgment of a
9 district court, in which Judge Bianco had adopted the
10 report and recommendation of this court.

11 On March 28th of 2016 I grant in part and denied
12 in part DE 85 which has been referred to as the motion to
13 compel. My decision is found at docket entry 100 and I
14 point out several things from that order.

15 First of all, I found that the defendant,
16 Ms. Mustafa, had not provided valid reasons for her
17 refusal to respond to the plaintiff's discovery requests.
18 Primarily, Ms. Mustafa's objection to responding was based
19 on the fact that plaintiff's counsel is not admitted to
20 practice in the State of Illinois and I found that that
21 argument was irrelevant. In fact, I note that in her own
22 papers, defendant Mustafa included at Exhibit 3 two
23 letters from a senior counsel at the attorney registration
24 and disciplinary commission of the Supreme Court of
25 Illinois.

1 The first letter, which is dated January 11th of
2 2013, states the following, quote, Ms. Mustafa, we have
3 received your recent requests for investigations of Joseph
4 Labuda, Jamie Felsen and Gertrude McCarthy. The duties of
5 this commission relate primarily to investigating and
6 prosecuting alleged violations of the Illinois rules of
7 professional conduct by attorneys who practice law in this
8 state.

9 We do not interpret or enforce criminal statutes
10 or federal civil laws and do not review decisions by
11 judges and ALJs who may also happen to be Illinois
12 lawyers. This commission cannot make determinations
13 regarding the truth or merit to the claims advanced in
14 your case by Messrs. Labuda and Felsen or regarding the
15 correctness of ALJ McCarthy's rulings in the case. We
16 have reviewed your submissions and have determined they do
17 not provide sufficient factual information indicating
18 possible acts of professional misconduct by Mr. Labuda,
19 Mr. Felsen, or Ms. McCarthy to justify any investigation
20 or other action by this agency.

21 Very truly yours, Althea K. Walsh, Senior
22 Counsel.

23 The second letter is dated approximately ten
24 days later, January 22, 2015, and it says the following:

25 Dear Ms. Mustafa,

1 We have received your recent communication
2 regarding the above matters. The current Illinois Supreme
3 Court Rule 707 is effective for appearances for
4 proceedings on or after July 1, 2013. The amended rule
5 does not require any action by out-of-state attorneys who
6 obtained permission to appear in Illinois proceedings
7 prior to July 1, 2013. As you know, neither Joseph Labuda
8 nor Jamie Felsen is admitted to practice law in the state
9 of Illinois.

10 So there are no findings in Illinois with regard
11 to the Milman firm, lawyers from that firm and, in any
12 event, as I have indicated in my March 28th order, that
13 information is fully irrelevant with regard to the matter
14 pending in this jurisdiction and rulings and orders issued
15 by both Judge Bianco and myself. The discovery request at
16 issue here concerns this particular litigation, which is
17 pending in the Eastern District of New York where the
18 plaintiff's attorneys are admitted.

19 I stated in my March 28th, 2016 order that the
20 defendant's disagreement with certain issues which go to
21 the merits of the underlying action, does not provide a
22 proper basis for Ms. Mustafa's refusal to respond to post
23 judgment discovery requests. I also pointed out that
24 Judge Bianco's decision granting summary judgment to the
25 plaintiff was affirmed by the United States Court of

1 Appeals for the Second Circuit on September 22, 2015.

2 Therefore, to the extent the defendant has refused to
3 respond because the Second Circuit's decision was still
4 pending, that objection is now moot.

5 As to the relief sought by plaintiff's counsel,
6 I addressed that issue in two parts.

7 First, I found that there was no reasonable
8 basis for the defendant to continue to delay responding to
9 the plaintiff's discovery requests and that the court
10 would not tolerate further delay. I ordered the
11 defendants for the final time to respond to plaintiff's
12 post judgment document requests and interrogatories
13 previously served on her on December 16, 2014.

14 However, I limited several of the plaintiff's
15 demands. Specifically, defendant ordered, was not
16 required to respond to document request No. 14, or to
17 interrogatory No.s 8, 9, 11 and 13. However, I directed
18 Ms. Mustafa to respond to the remaining document requests
19 and interrogatories no later than April 28th of 2016, and
20 in part two of responding to the motion I issued an order
21 to show cause directing that Ms. Mustafa appear in person
22 before this court at the Alphonse D'Amatto Courthouse in
23 Central Islip or I gave her the alternative option of
24 appearing here by videoconference from the Northern
25 District in Illinois, and directed that Ms. Mustafa show

1 cause why sanctions should not be imposed on her for her
2 failure to comply with the orders of this court.

3 I encouraged Ms. Mustafa to consult with an
4 attorney regarding the order to show cause and its
5 consequences and placed her on notice that failure to
6 comply with the order may result in her being found in
7 contempt of court and subject to further action by the
8 court.

9 As to the restraining notice request by the
10 plaintiff, I set forth the reasons why the court declined
11 to take further action unless and until it received more
12 information from the plaintiff.

13 Thereafter, on April 8th, 2016, in docket entry
14 102, Judge Bianco referred DE 96, which is NSI's second
15 motion for attorneys fees to this court, for an R&R. That
16 had been filed on March 3, 2015, once again, for issues
17 associated with the Second Circuit appeal and the prior
18 expenses incurred in trying to enforce the judgment.

19 On April 18th of 2016, I issued an order DE 103,
20 regarding the plaintiff's submissions 96 and 97, directing
21 plaintiff's counsel to incorporate those arguments into
22 one motion instead of by reference to a previous motion
23 and to resubmit the materials by May 6th.

24 On April 19th, 2016, plaintiff's counsel,
25 Mr. Felsen, resubmitted the comprehensive motion with a

1 declaration and memorandum of law. Those are found at DE
2 105, 106 and 107. Those were filed the next day on April
3 19th, and also the firm filed an affidavit of service for
4 those papers on defendant Mustafa by first class mail.
5 That affidavit of service is found at docket entry 108.

6 On April 19th, 2016, defendant Mustafa filed a
7 motion seeking to adjourn the date of the order to show
8 cause hearing because of her exam schedule at Northern
9 Illinois University College of Law, and also to permit her
10 to appear at the order to show cause hearing by
11 videoconference because travel to New York, she stated,
12 would pose an undue burden on her as a single mother. I
13 granted that motion and directed the plaintiff to provide
14 available dates in late May for the adjourned hearing. On
15 April 29th, 2016, after receiving further submissions, I
16 set today, May 26th, as the new date for the hearing, and
17 issued an amended order to show cause found at docket
18 entry 113.

19 On May 2nd, 2016, defendant Mustafa filed a
20 response to the amended order to show cause with various
21 attachments, that's found at DE 115. Several days later,
22 on May 6th of 2016, defendant Mustafa filed a, quote,
23 corrected response to the amended order to show cause,
24 close quote, with attachments, that is found at DE 116.
25 She stated that she was correcting a clerical error and

1 said that original answer inadvertently omitted pages five
2 through seven of Exhibit B.

3 As to why she should not be held in contempt,
4 her first argument is that NSI International has disclosed
5 it is a wholly owned subsidiary of Powerview Investments
6 Limited, and says that this information contradicts
7 Federal Rule of Civil Procedure 7.1, in the disclosure
8 statement requirements as well as appellate Rule 26.1.
9 She claims that the lawyers filed a false disclosure
10 statement.

11 She also claims she filed a letter to the
12 Second Circuit notifying them of this information and she
13 further claims that because of this information, the court
14 lacks personal jurisdiction over the parties here and
15 deprives judges here from an opportunity to make informed
16 decisions regarding their recusal and disqualification.

17 Her second argument is that no oral argument
18 agreement existed between her and NSI International on
19 January 27th, 2009, that the settlement agreement issues
20 already litigated here in the district court at the Second
21 Circuit, I pointed this fact out, are not going to be
22 litigated a second time here.

23 Her third argument is that NSI and the Milman
24 Labuda law group have undermined the integrity of public
25 confidence in the judiciary and are not fit to practice

1 law in any state. Judge Bianco has already ruled on
2 defendant's argument that the question of whether the
3 Milman Labuda attorneys are admitted to practice in
4 Illinois is irrelevant as to the findings and decisions
5 rendered in this proceeding in the Eastern District of
6 New York and the Second Circuit.

7 Therefore, defendant does not get a second bite
8 at the apple here to relitigate this issue. Ms. Mustafa
9 also attached to that submission a copy of the new appeal
10 to the Second Circuit dated April 28th of 2016.

11 On May 10th of 2016, defendant Mustafa filed a
12 docket entry 117, a motion seeking permission to video
13 record the proceedings of this order to show cause
14 hearing. On May 12th, 2016, I denied the motion to
15 videotape the proceedings and that order is found at
16 docket entry 118.

17 On May 23rd of 2016, plaintiff's counsel filed a
18 letter found at docket entry 120, asserting that defendant
19 Mustafa once again failed to comply with this court's
20 orders and instead provided only reasons why she has not
21 complied and continues to refuse to comply,
22 notwithstanding the Second Circuit's denial of her appeal
23 and affirmance of Judge Bianco's summary judgment
24 decision.

25 Specifically, plaintiff's counsel requests that

1 in addition to the issuance of financial sanctions, that
2 criminal sanctions be issued and that the court refer
3 defendant Mustafa to the Illinois attorney registration
4 and disciplinary committee, although she is not yet an
5 admitted attorney, in the event she applies for admission
6 at a future date.

7 On May 23rd, 2016, the court received a motion
8 for reconsideration from defendant Mustafa dated May 19,
9 2016 as to the video recording of today's proceedings.
10 That motion is found at docket entry 122. On May 24th of
11 2016 this court issued an order denying the motion for
12 reconsideration holding, among other things, that, first
13 of all, defendant Mustafa did not meet the requirements
14 under Rule 59 and local civil rule 6.3 on a motion for
15 reconsideration.

16 No. 2, the other proceedings in which defendant
17 Mustafa refers have no bearing on this court's May 12th
18 order denying the motion to videotape this show cause
19 hearing.

20 Three, the bulk of defendant's arguments involve
21 her disagreement and dissatisfaction with prior rulings
22 and orders of this as well -- this court as well as those
23 rendered by the Honorable Joseph Bianco. Consequently,
24 the issues which Ms. Mustafa seeks to relitigate here are
25 improper since she had a full opportunity to raise those

1 issues in the district court as well as in the Second
2 Circuit Court of Appeals, and for the most part she did
3 so. Any matters that were not raised are deemed
4 effectively waived.

5 Four, there is only a restricted discrete issue
6 on this hearing today, namely whether sanctions should be
7 imposed on defendant Mustafa for her failure to comply
8 with the orders of this court directing her to produce
9 responses to post judgment document requests and
10 interrogatories served by the plaintiff.

11 Contrary to Ms. Mustafa's position, No. 5, there
12 is no violation of her First Amendment rights here, since
13 the court proceeding is open, the courtroom is open, and
14 the court reporter is here taking down a record of today's
15 proceedings.

16 No. 6, as noted in the May 24th, 2016 order,
17 there has been no intervening change of controlling law,
18 no new evidence presented that was not previously
19 available on the original motion, and no need to correct a
20 clear error or prevent manifest injustice. Likewise, a
21 motion for reconsideration is not a vehicle for
22 relitigating old issues presenting a case under new
23 theories, or directing a rehearing on the merits or
24 otherwise taking a second bite at the apple.
25 Consequently, the motion for reconsideration of the denial

1 of plaintiff's motion to video today's proceedings was
2 denied.

3 As I have stated, the purpose of today's hearing
4 is on the defendant's failure to respond specifically to
5 the interrogatory and documents requests as previously
6 modified by this court and the court will hear from
7 defendant Mustafa only as to any further statements or
8 testimony she wishes to place in the record, which goes
9 directly and specifically to her failure to comply with
10 this court's orders, to provide the information as
11 directed. The court intends to swear in both Ms. Mustafa
12 and, in turn, whoever intends to speak on behalf of the
13 plaintiff.

14 I'm now going to ask Courtroom Deputy Ryan to
15 administer the oath to Ms. Mustafa.

16 THE CLERK: Please stand and raise your right
17 hand.

18 (Defendant sworn.)

19 THE COURT: Ms. Mustafa, is there any other
20 information that you wish to put in the record today that
21 once again goes specifically to your failure to respond to
22 the interrogatories and document requests that were
23 previously modified by me and I'll give you that
24 opportunity now?

25 MS. MUSTAFA: Your Honor, I have prepared a

1 statement and it all is related to today's proceeding.

2 Before I start I would like Mr. Felsen to be
3 sworn in as well.

4 THE COURT: He's going to speak and I'll swear
5 him in before he does.

6 MS. MUSTAFA: Okay. You will swear him in?

7 THE COURT: Yes.

8 MS. MUSTAFA: Okay.

9 May it please the court, I hereby raise the
10 following objections and preserve the issues for appeal to
11 the US Court of Appeals to the Second Circuit, the issues
12 I intend to preserve are, No. 1, I should not be held in
13 contempt of court because I fully and timely responded as
14 per the court's requirement to the plaintiff's post
15 judgment discovery demands as required under the Federal
16 Rules of Civil Procedure and the US Constitution,
17 Article -- Amendment Four under search and seizure.

18 The judgment is void. I fully complied with the
19 court's direction to respond, Black's Law Dictionary
20 defines response as a full and complete answer and I did
21 provide that timely as required by the court. Therefore,
22 I should not be found in contempt.

23 The second issue I want to preserve for appeal
24 to the Second Circuit is the judgment entered in this case
25 is void. A void judgment is one rendered by a court that

1 lacks jurisdiction and is a complete nullity.

2 Constitutional rights may not be waived.

3 The third issue I would like to preserve for
4 appeal in the Second Circuit Court of Appeals is that the
5 court rendered a judgment where it lacked jurisdiction
6 over the parties and conducted proceedings with knowledge
7 it was violating the due process rights and failed to
8 conduct proceedings in compliance with the Federal Rules
9 of Civil Procedure, specifically Rule 17, NSI
10 International with no parent company is not a real party
11 in interest. It is a fictitious plaintiff. Rule 26, when
12 Jamie Felsen filed the corporate disclosure statement by
13 Rule 7.1 of the Federal Rules of Civil Procedure at the
14 commencement of this case he knew it was false, and as a
15 result I was never properly served notice by a real party
16 of interest according to Federal Rule of Civil Procedure
17 Rule 4.

18 Now, the corporate disclosure statement that was
19 initiated on -- at the commencement of this case is false
20 and I have previously submitted to this court numerous
21 times its falsity and the court continues to ignore it.

22 The relevance of a Rule 7.1 corporate disclosure
23 statement is so that judges and magistrate judges can make
24 a valid decision of recusal or disqualification in a case
25 and by failing to know the corporate parent existed at the

1 commencement of the case, Judge Bianco, Honorable
2 Judge Bianco and Honorable Magistrate Judge Tomlinson were
3 never able to make a valid decision of recusal and this
4 case has proceeded since 2009 or 2012 since -- without
5 jurisdiction.

6 I repeatedly brought this to the court's
7 attention. Mr. Felsen has admitted that Powerview
8 Investment Limited is the sole -- or is a -- NSI
9 International is a subsidiary of Powerview Investment
10 Limited and 156697 before the Northern District of
11 Illinois and so, therefore, that evidence that he has
12 filed conflicting and contrary statements of corporate
13 ownership that if NSI has a parent company that it
14 admitted, then Mr. Felsen filed a false statement on the
15 Eastern District of New York.

16 There is also case law in Jaffey and Ashra
17 versus Brunt in the US District Court in the
18 Southern District of New York, they held there is no
19 statute of limitations or repose runs on the judgment
20 where the court lacks either subject matter jurisdiction
21 or personal jurisdiction or where otherwise entered in
22 violation of due process of law and the judgment must be
23 set aside.

24 With regards to my answer it is completely
25 sufficient. At document -- in my answer I included the

1 United States District Court Northern District of Illinois
2 pleading by Jamie Felsen where he said to the extent
3 required to be disclosed NSI International is a subsidiary
4 of Powerview Investment Limited which is not publicly
5 owned. If you look at my appellate brief in 143706 I
6 wrote, quote, NSI corporate disclosure statement, pursuant
7 to Rule 26.1 of the federal rules of appellate procedure,
8 undersigned counsel of record for appeal Lee, NSI
9 International Inc. states there are no parent corporations
10 or any publicly held corporation which owned 10 percent or
11 more of its stock, NSI stock.

12 I wrote how does NSI counsel know this? This is
13 contradictory to evidence in the record. Mustafa directs
14 the court's attention to 12552-3218 in its entirety. The
15 document references the work from the New York Supreme
16 Court which states the submissions reflect that NSI is
17 owned almost all by Powerview a British Virgin Isles power
18 company who's owners are -- at a minimum joint and several
19 liability should attach to all conspirators named in 3218.

20 Now, Mr. Felsen filed at the commencement of
21 this case a Federal Rule of Civil Procedure Rule 7.1
22 statement that indicated none where he was supposed to
23 identify any corporate parent. In 125528, I challenged
24 the corporate ownership as required to be reported. On
25 May 6th of 2016, I believe it's my Exhibit 2, I filed the

1 actual statement from the federal court in Northern
2 District of Illinois, and I'm quoting Mr. Felsen who said,
3 to the extent required to be disclosed, NSI International
4 is a subsidiary of Powerview Investment Limited which is
5 now publicly owned.

6 So we have contradictory statements made in
7 federal court and Federal Rule 26.1 statement made before
8 the Second Circuit Court of Appeals, Mr. Felsen said there
9 is no parent company. There was no parent corporation or
10 any corporation that owns 10 percent or more of its stock.

11 So my request to the court today is to have
12 Mr. Felsen under oath swear to which statement is correct,
13 and based upon the latest statement which was made in the
14 Northern District of Illinois, Mr. Felsen has filed a
15 false statement of corporate disclosure statement
16 knowingly before the United States District Court,
17 Eastern District of New York and before the Second Circuit
18 Court of Appeals in 143706.

19 With that being said, regardless of the
20 objections to the jurisdiction of this court that I intend
21 to raise before the Second Circuit Court of Appeals, I
22 also would like to point out that the filing of the
23 corporate disclosure statement is Rule 7.1, but it's also
24 covered under the duties disclosed under Federal Rule of
25 Civil Procedure Rule 26, and Mr. Felsen and NSI

1 International never disclosed that NSI International had a
2 parent company from the commencement of this case until
3 recently in the Northern District of Illinois. So they
4 are operating by filing a false statement of material
5 fact.

6 With regards to criminal conduct that this court
7 has ignored, I believe it's document 85 where I submitted
8 a screen shot of evidence where chief legal counsel for
9 the Illinois Human Rights Commission Donnell Grey was
10 blind carbon copying Joe Labuda of Milman Labuda Law Group
11 on confidential -- allegedly confidential communications
12 and I have -- I'm complaining of due process violations
13 where the court's report and recommendation manufactures
14 an oral settlement agreement that never existed, and if
15 the settlement agreement is to be enforced, no statement
16 of the existence of an oral settlement agreement would
17 bear any rational relationship to enforcement of a
18 settlement agreement where both sides in that agreement
19 did not admit or deny the existence of the oral settlement
20 agreement.

21 Now, I recently submitted to the court multiple
22 times notice of the false corporate disclosure statements,
23 and as a result Honorable Magistrate Judge Tomlinson and
24 Honorable Joseph F. Bianco have not made a valid decision
25 of recusal or disqualification and the recent information

1 that I did submit to the court in my request to videotape
2 the proceedings contained -- is unsubstantiated at this
3 moment, but it leads me to believe that NSI International,
4 whose parent company is Powerview Investment Limited,
5 which is a British Virgin Island offshore company, may
6 have been -- may have -- I'm going to say compensated the
7 court in order to violate the Federal Rules of Civil
8 Procedure and finding against Mustafa.

9 Further, the Second Circuit Court of Appeals
10 summary order states specifically that the court -- each
11 side was to bear its own costs. However, Mr. Felsen
12 submitted and was to proceed by order of this court in the
13 Eastern of New York, Mr. Felsen received court costs when
14 the Second Circuit order specifically said that each side
15 would bear its own costs.

16 Now, I have answered and I have responded in
17 full compliance with the court's order to respond. Beyond
18 that, I don't see how court could find me in contempt of
19 an order where the entire proceedings and the judgment
20 that have been entered are void and I'd like to preserve
21 all of these issues for the Second Circuit Court of
22 Appeals because I intend, regardless of the ruling of the
23 court today, I do intend to file an appeal on this issue
24 alone.

25 And basically that's all I have to say.

1 THE COURT: All right.

2 First of all --

3 MS. MUSTAFA: Oh, wait.

4 Magistrate Judge, your Honor, I request
5 specifically that this court swear in Mr. Felsen and ask
6 him to make a corporate disclosure statement to the court
7 on the record on behalf of NSI International.

8 THE COURT: I have already indicated that I was
9 swearing in both sides for the purposes of this hearing
10 and I will swear in Mr. Felsen momentarily.

11 However, before I do so I do want to note for
12 the record that I heard your statement, Ms. Mustafa, and
13 with one or two perhaps edifications nothing I have heard
14 this morning is not something that hasn't already been
15 stated in the papers you submitted to the court. So I
16 have those.

17 The one thing I do want to ask --

18 MS. MUSTAFA: Thank you.

19 THE COURT: I do want to ask you very
20 specifically however is, since I indicated previously that
21 those responses essentially are what you filed is really
22 not the focus of this hearing today, and concern arguments
23 that have been made in the past or could have been made in
24 the past with respect to the underlying litigation in this
25 matter that took place before the district court, as well

1 as what you presented to the Second Circuit on your
2 appeal, frankly doesn't impact what we are here today to
3 address, which is specifically I'll ask you now on the
4 record.

5 Will you agree to comply in the next 21 days
6 with my prior directives to respond completely and
7 specifically to the individual document requests and
8 interrogatories which I had approved as modified?

9 MS. MUSTAFA: Your Honor, with all due respect,
10 I am reserving my rights under the Fifth and
11 14th Amendment of the Constitution and of the Fourth
12 Amendment against unreasonable search and seizure and I
13 will happily respond to the interrogatories once
14 Mr. Felsen proves to this court that NSI International
15 with no parent company is an actual plaintiff that exists
16 versus NSI International with a parent company Powerview
17 Investment Limited, which is what he asserted in the
18 Northern District of Illinois.

19 Now, with all due respect, your Honor, I intend
20 to fully comply with your orders and I always will.
21 However, I have to stand firm in defense of my
22 constitutional rights to due process and, frankly, these
23 proceedings are not -- have not been conducted in
24 compliance with the Federal Rules of Civil Procedure. I
25 have not been served, and so once Mr. Felsen clears up the

1 inconsistency in the corporate disclosure statements, I
2 will be more than happy to respond and fully disclose all
3 of my financial and personal information.

4 THE COURT: Well, you just made reference to not
5 being served; not being served with what?

6 I don't understand.

7 MS. MUSTAFA: A plaintiff NSI International with
8 no parent company does not exist and reported by
9 Mr. Felsen at the commencement of this case November of
10 2012, a plaintiff that does exist -- does not exist cannot
11 serve process because it is not a real party interest as
12 defined by Federal Rule of Civil Procedure Rule 17.

13 THE COURT: All right.

14 Did you bring this up --

15 MS. MUSTAFA: Failure to disclose pursuant to
16 the duty to disclose and defined by Federal Rule of Civil
17 Procedure Rule 26 renders this -- the judgment void, and I
18 have to have proof of their validity so that the invasion
19 of my privacy is not compromised.

20 I think you know that the invasion of my privacy
21 that will incur because I have to answer these questions
22 specifically is not compromised by a void judgment of the
23 court.

24 THE COURT: Let me ask you --

25 MS. MUSTAFA: And I will happily respond and I

1 will be specific.

2 I am trying to comply, but, at the same time,
3 I'm not going to sit idly by and watch my constitutional
4 rights and guarantees be trampled by Mr. Felsen and NSI
5 International.

6 THE COURT: Several questions.

7 One is, did you raise the 7.1 disclosure
8 argument with Judge Bianco during the course of the
9 underlying litigation up to the point of the summary
10 judgment process?

11 MS. MUSTAFA: I did.

12 THE COURT: And did you raise it again in the
13 Second Circuit?

14 MS. MUSTAFA: Pardon?

15 THE COURT: Did you raise it again in the Second
16 Circuit in your initial appeal?

17 MS. MUSTAFA: I did raise the issue -- I have it
18 right here in my reply brief, I did raise it in my reply
19 brief and, frankly, where I did not have the information
20 to prove it was false I did raise it before the district
21 court 125528, doc 3218, and I also raised it in the -- I
22 don't have it in front of me, I believe it was doc 38 or
23 39 where the Exhibits A through P are hard copied in the
24 file.

25 I believe that the New York Supreme Court order

1 that discloses that NSI International is, in fact, a
2 wholly owned subsidiary of Powerview Investments Limited
3 is in 32 -- I believe it's Exhibit C in the Exhibit A
4 through P, and I have repeatedly demanded that those
5 exhibits be scanned into the system and made public, but
6 that has not occurred either.

7 THE COURT: Looking to the Second Circuit
8 decision, the order, the last paragraph deals with the
9 circuit's finding that the remaining issues raised by you
10 on the appeal were found to be without merit.

11 Now, you have also brought up today the fact
12 that you are asserting your Fifth Amendment right. I want
13 to make sure I understand what you are saying here. The
14 Fifth Amendment right would go to the question of not
15 incriminating yourself. Is that what you are raising?

16 MS. MUSTAFA: Mr. Felsen has asked for criminal
17 sanctions.

18 I believe this is a civil trial and criminal
19 sanctions are not appropriate, and I have not failed to
20 answer any question this court is asking me. So I'm
21 not -- I only said the Fifth Amendment because Mr. Felsen
22 is asking for criminal sanctions.

23 THE COURT: All right.

24 I wanted to clarify that because this is a civil
25 proceeding.

1 MS. MUSTAFA: But regardless, I am asserting my
2 right to due process under the Federal Rules of Civil
3 Procedure and the 14th Amendment and I am asserting that
4 the proceedings were not conducted in compliance with the
5 Federal Rule of Civil Procedure which resulted in a due
6 process violation of my constitutional rights and
7 specifically under the 14th Amendment.

8 And I believe that Mr. Felsen can clear this up
9 by swearing under oath that there is the corporate
10 ownership of NSI International. What he filed in the
11 Northern District of Illinois contradicts what he filed
12 before the Eastern District of New York, and also NSI, I
13 provided to the court, NSI filed a contradictory statement
14 to -- in the Northern District of Ohio as well.

15 So here we have a separate law firm filing a
16 corporate disclosure statement in Ohio that discloses that
17 NSI International is a wholly owned subsidiary Power
18 Investment, that law firm has no relationship to these
19 proceedings but that's what they disclosed, the New York
20 Supreme Court disclosed NSI International is a wholly
21 owned subsidiary of Powerview Investment, and that is
22 contained at 125528 doc 3218 and most recently Mr. Felsen
23 filed NSI International is a subsidiary of Powerview
24 Investment Limited before the Northern District of
25 Illinois.

1 However, Mr. Felsen also filed before this court
2 at the commencement of this case a Rule 7.1 statement,
3 corporate disclosure statement that says none where he's
4 required to disclose corporate ownership. Any parent and
5 Powerview Investment Limited is the parent company of NSI
6 International, which is also consistent with what I was
7 informed of when I was employed by NSI.

8 Further, he repeats his false filing before the
9 Second Circuit Court of Appeals, Rule 26.1. He wrote
10 there is no parent company which directly contradicts the
11 requirement of Rule 7.1, Rule 26.1, and also the federal
12 rules of -- the duty of discovery as required by Federal
13 Rules of Civil Procedure 26. Now, his failure to disclose
14 renders the plaintiff in this case fictional, and
15 fictitious plaintiffs may not lack capacity and standing
16 to sue or to be sued and standing wise I can cite to Jan v
17 The Company of Wildlife, Supreme Court, and they did not
18 bring a case with me that identifies capacity, but
19 standing, you must have standing at the commencement of a
20 case and clearly here, Mr. Felsen by his false --
21 corporate disclosure statement did not have standing at
22 the commencement of this case.

23 So to hold me in contempt of court for a case
24 that where the plaintiff never had standing and the court
25 never had jurisdiction is, frankly, absurd.

1 THE COURT: All right. Your arguments are noted
2 for the record. All right.

3 As I indicated earlier, at the outset today, we
4 are going to swear in both sides here. So, Mr. Felsen, I
5 assume you are going to speak on behalf of plaintiff?

6 MR. FELSEN: Yes, your Honor.

7 THE COURT: I'm going to ask you to stand and
8 raise your right hand as Deputy Ryan administers the oath.

9 (Attorney sworn.)

10 THE COURT: Mr. Felsen, this is your opportunity
11 to present your argument.

12 MR. FELSEN: Your Honor, most of what
13 Ms. Mustafa has stated already has been rejected by this
14 court and by the Second Circuit.

15 Ms. Mustafa recently filed a letter with the
16 Second Circuit which I referenced in my May 23rd, 2016
17 letter, with respect to this issue concerning the
18 corporate disclosure statement. The Second Circuit
19 rejected her papers because it no longer has jurisdiction.
20 In addition, Ms. Mustafa failed to file a writ of cert to
21 the U.S. Supreme Court following the Second Circuit's
22 affirming this court's motion for summary judgment filed
23 by the plaintiff. She simply has no appeal rights left.

24 The Second Circuit ruled that this court had
25 jurisdiction --

1 THE COURT: Can you hear us, Ms. Mustafa?

2 MS. MUSTAFA: I can hear you, can you hear me?

3 THE COURT: Yes.

4 MS. MUSTAFA: I don't know what happened.

5 THE COURT: We can hear you.

6 MS. MUSTAFA: Okay.

7 THE COURT: You may continue, Mr. Felsen.

8 MR. FELSEN: The Second Circuit rejected
9 Ms. Mustafa's arguments concerning jurisdiction and
10 concerning the fact that the judgment entered by
11 Judge Bianco was void. She's just trying to relitigate
12 all of these issues that have been litigated for the last
13 seven years. At some point enough is enough with respect
14 to all of these motions and all litigation commenced by
15 Ms. Mustafa.

16 In addition to her violating your Honor's orders
17 with respect to producing discovery responses, she's also
18 in violation of the Illinois, Northern District of
19 Illinois's orders, specifically she filed a motion last
20 night for judgment on the pleadings, despite the district
21 court judge, Judge Tharp's directive to her to not file
22 any more motions unless they were emergencies, while a
23 motion to dismiss that was filed by my firm and NSI and
24 also a motion for sanctions against Ms. Mustafa were
25 heard.

1 She, nonetheless, filed this motion. She calls
2 it an emergency motion. I'm pretty confident the court is
3 going to find that it was not an emergency motion, but
4 this is an example of her continuous refusal to comply
5 with court orders.

6 We do have a motion pending as part of our
7 motion for sanctions in the Northern District of Illinois
8 for a litigation injunction. Ms. Mustafa's interfering
9 with NSI's right to continue its business and operate its
10 business. She's interfering with my firm's obligation to
11 represent its clients and I have spent too much time
12 dealing with this and I would ask -- I would renew my
13 motion with this court to require Ms. Mustafa to get
14 permission before filing any motions in any court before
15 proceeding. This is just -- enough is enough already. We
16 have had it with Ms. Mustafa's frivolous filings.

17 With respect to -- I'll address very briefly the
18 corporate disclosure issue, although I don't believe it
19 has any bearing whatsoever on the order to show cause that
20 we are here for today. Ms. Mustafa's conveniently
21 raising -- trying to sidestep the issues that are
22 primarily dealing with her and trying to turn things over
23 and trying to raise issues that aren't related to her.

24 The corporate disclosure statement, under Rule
25 7.1, and there is a template that is provided by the

1 Southern District of New York, it requires that corporate
2 parents, affiliates or subsidiaries of a party only have
3 to be disclosed if they are publicly held. NSI, as I have
4 stated in my corporate disclosure statement in the
5 Northern District of Illinois, NSI is a subsidiary of
6 another company, but that company is not publicly held.
7 So Ms. Mustafa's claim simply has no merit. It's not
8 related whatsoever to the reason why we are here today,
9 and Ms. Mustafa has not presented any reason why sanctions
10 should not be issued with respect to her failure to comply
11 with numerous orders of this court to produce documents.

12 We have been waiting for a year and a half to
13 try to enforce this judgment, and she's preventing us from
14 doing so. She simply doesn't want us to be able to get
15 the money that we are entitled to.

16 And that's all I have to say, your Honor, on
17 this issue. Thank you.

18 THE COURT: All right.

19 MS. MUSTAFA: Your Honor, may I respond?

20 THE COURT: Briefly, yes.

21 MS. MUSTAFA: First of all, I didn't file a
22 motion for judgment of pleadings. I filed a motion for
23 leave to file based on the contradictory -- based on the
24 contradictory corporate disclosure statements. Mr. Felsen
25 failed to file an appearance pursuant to local rule 8316,

1 and also eight of the ten defendants in which Powerview
2 Investment Limited is one of the named defendants failed
3 to respond within 21 days pursuant to Rule 4 of the
4 Federal Rules of Civil Procedure.

5 Further, Mr. Felsen actually butchers the
6 Federal Rules of Civil Procedure. I do have the Federal
7 Rules of Civil Procedure Rule 7.1 disclosure statement
8 word for word here and I'd like to read it into the
9 record:

10 A, who must file contents a non-governmental
11 corporate party must file two copies of a disclosure
12 statement that, one, identifies any parent corporation and
13 any publicly held corporation owning 10 percent or more of
14 its stock.

15 So Mr. Felsen's allegations that it's only
16 required of publicly held corporations is unfounded. It
17 is not a valid argument.

18 No. 2, they said there is no such corporation.
19 In the Northern District of Illinois, New York Supreme
20 Court and the Northern District of Ohio, NSI International
21 identified Powerview Investments Limited as the parent
22 corporation. So Rule 7.1, identify any parent
23 corporation. Okay, or, two, state that there is no such
24 corporation.

25 So 7.1, Mr. Felsen's filings before the

1 Eastern District of New York and the Second Circuit Court
2 of Appeals states that there is no such corporation. The
3 New York Supreme Court, the Ohio District Court and the
4 Northern District of Illinois is where Mr. Felsen
5 specifically states that any parent corporation is
6 Powerview Investments Limited. I challenge the court to
7 have him swear under oath that NSI International has no
8 parent corporation.

9 THE COURT: I'm not required to make him swear
10 to anything at this point, but I am allowing him to put on
11 the record whatever he wishes to put on the record, just
12 as I have done so in your case.

13 So is there anything else you wish to add,
14 Mr. Felsen?

15 MR. FELSEN: Nothing else, your Honor.

16 THE COURT: All right.

17 As I indicated earlier, part of this decision of
18 mine has to be done by report and recommendation to
19 Judge Bianco. So for the record I am reserving decision,
20 and I will prepare a report and recommendation as quickly
21 as I am able to and get that over to Judge Bianco.

22 This hearing is closed for all purposes.

23 MS. MUSTAFA: Your Honor, one more thing.

24 THE COURT: Yes.

25 MS. MUSTAFA: May I say one more thing.

1 I apologize, I forgot to say this. With the
2 contempt order, once I receive the order I do have 30 days
3 to appeal it, Mr. Felsen is incorrect. I am able to
4 appeal it, and also any order that is void, there is no
5 statute of limitations on voided judgments, there is no
6 statute of limitations on voided orders.

7 The fact that I could only prove the false
8 corporate disclosure statement as of their filing in the
9 Northern District of Illinois is the evidence I needed
10 where Mr. Felsen contradicted himself in federal court,
11 and I do intend to appeal that and also to bring it to the
12 attention of the authorities.

13 THE COURT: All right.

14 As I have indicated, at this point the record is
15 now officially closed for this hearing and we will proceed
16 from there.

17 Thank you, all.

18 MR. FELSEN: Thank you.

19 MS. MUSTAFA: Thank you.

20 (The matter concluded.)
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